

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

MARCUS DEWAYNE CLARK JR.

Case: 2:21-mj-30542

Assigned To : Unassigned

Case No. Assign. Date : 11/15/2021

Description: CMP USA v. SEALED
MATTER (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August through September of 2021 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Complainant's signature

Special Agent Brett J. Brandon, ATF

Printed name and title

Judge's signature

Hon. Jonathan J.C. Grey, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: November 15, 2021

City and state: Detroit, Michigan

AFFIDAVIT IN SUPPORT OF AN CRIMINAL COMPLAINT

I, Brett J. Brandon, being first duly sworn, hereby state:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and/or participated in numerous criminal investigations focused on firearms, drug trafficking violations, and criminal street gangs.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. This affidavit does not include all the information known to law enforcement related to this investigation.

3. ATF is currently conducting a criminal investigation concerning MARCUS DEWAYNE CLARK JR. (B/M; DOB: XX/XX/2001). Probable cause exists that CLARK knowingly possessed a firearm, knowing he was convicted of a crime punishable by more than one year, in violation of 18 U.S.C. § 922(g)(1).

SUMMARY OF THE INVESTIGATION

4. On November 9, 2020, CLARK pleaded guilty to carrying a concealed weapon in this Sixth Judicial Circuit Court, Oakland County, Michigan. On December 21, 2021, CLARK was sentenced to probation pursuant to the terms of the Holmes Youthful Trainee Act (HYTA). On February 2, 2021, CLARK's HYTA status was revoked. The revocation resulted in the entry of a conviction for carrying a concealed weapon.

5. On October 15, 2021, I reviewed and monitored the Instagram profile associated with Instagram User ID "72_marc". I reviewed "stories" (short videos or images that can be posted to an Instagram user's account and displayed publicly or to the user's followers in a private account), and other images and videos posted by "72_marc". I compared a January 3, 2021, booking photograph of CLARK to the individual depicted as the Instagram user in the images and videos posted by "72_marc". I identified CLARK as the individual depicted in the images and videos and determined that the "72_marc" account belonged to CLARK.

6. On August 14, 2021, the account posted several images of what looks like a Century Arms Draco AK pistol with the caption "[e]very time shots fire they say they seen us ® <https://youtu.be/qxxxxxxxxx4>" (see examples in Images 1 and 2 below). The location of the photographs were tagged as "Florida". The Century

Arms Draco AK pistol had distinct wooden foregrip with black colored wear and tear (see Image 1A).

Image 1



Image 1A

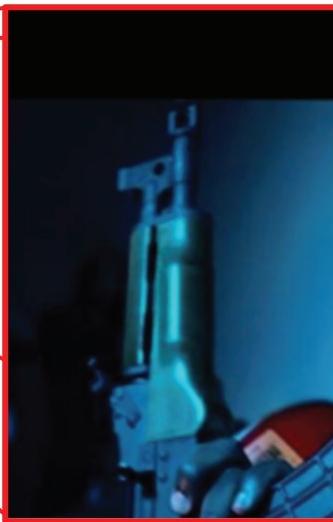


Image 2



7. The firearm CLARK possessed had the following characteristics consistent with a Century Arms US Draco 7.62 x 39 AK pistol: (1) the shape and location of the three circular rivets above the grip on the frame, (2) the shape and location of the safety lever, (3) the shape and location of the rivets above the magazine well on the frame, (4) the shape and location of the two slots on the wooden foregrip, and (5) the shape and location of the front and flash hider. I also noted the “US Palm” thirty round magazine inserted in the firearm.

8. I searched YouTube and located a rap music video posted by YouTube User “RBLOCK ENT” on August 9, 2021. The video was titled “72 Marc – IM BACK”, located at <https://youtu.be/qxxxxxxxxxx4>. In the video,

CLARK wore the same clothing and brandished what seems to be the same Century Arms Draco AK as seen in Images 1 and 2. The other individuals depicted in the YouTube video wore the same clothing as the individuals in the Instagram post.

9. I observed several known associates of CLARK in the video. Michigan Secretary of State and local law enforcement records showed these associates lived primarily in Pontiac and Southfield, Michigan. Two vehicles were in the video. Although the license plate numbers were obscured, the white and blue colored plates, consistent with Michigan license plates, were visible.

10. On September 1, 2021, the “72_marc” account posted several images of CLARK. CLARK possessed what looked like the same Century Arms Draco AK pistol with the caption “[w]e drop a addy they don’t slide Mann these niggas nuts [tornado emoji] ® #longlivegoatyboy #72shitNoFlukeShit” (see examples in Images 3 and 4). CLARK is wearing a grey zip-up sweatshirt with “CC Chicken” embroidered in white located in the upper chest area, left of the zipper. Instagram User “72_marc” tagged the location of the images as “In Da Hood”. I am aware CLARK, as well as other individuals depicted in the images, have addresses mostly in Pontiac, Michigan.

Image 3Image 4

11. I located a rap music video posted by YouTube User “RBLOCK ENT” on September 1, 2021. The video was titled, “72 Marc x 72 Tcee -Keep It Real”, located at <https://youtu.be/C-xxxxxxxx9I>. In the video, CLARK wore the same clothing and brandished what appeared to be the same Century Arms Draco AK pistol. The other individuals depicted in the YouTube video appeared to be wearing the same clothing worn in the September 1 post. They also brandished what appears to be the same firearms as seen in the September 1 Instagram post (Images 3 and 4 above). Specifically, in the video, CLARK revealed his face. He wore the same “Chicken CC” jacket as in Images 3 and 4 (see screenshot of video in Image 5). He is holding the same Century Arms Draco AK pistol with the distinct wooden foregrip with black colored wear and tear from Images 1 and 1A (posts from his Instagram account). The label on the underside of the brim of

CLARK's hat (Image 5) matches the underside of the brim of a red hat in Image 1A.

Image 5

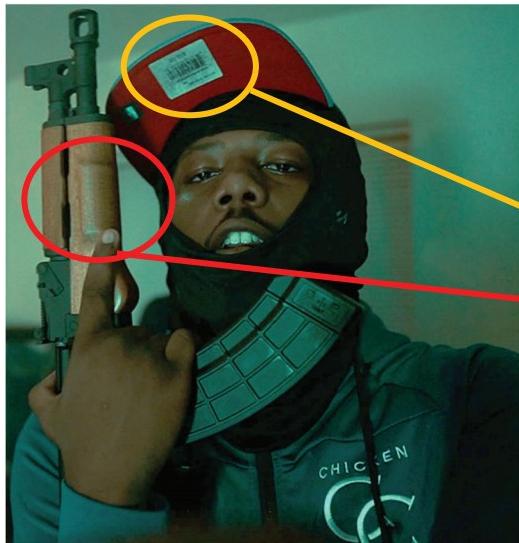
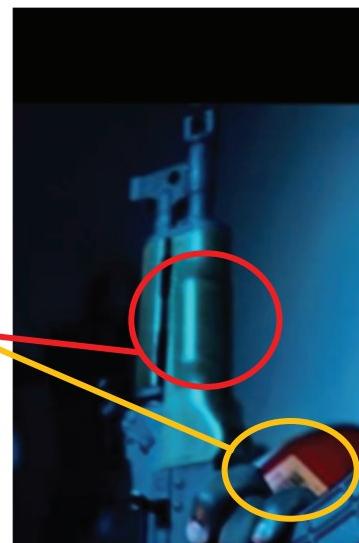


Image 1A



12. I compared the individual depicted in Image 5, who is the same person held out as the Instagram user in the aforementioned images and videos, to a January 3, 2021, Oakland County Sheriff's Office (OCSO) booking photograph of CLARK (see Image 6). I identified CLARK as the individual depicted in the images and videos. CLARK's mustache in Image 5 matches Image 6.

Image 6



13. OCSD Detective Bader reviewed the YouTube video and Instagram images. Based on the parts of the video filmed outside, and the interior layout of the apartment in the video, Bader concluded that the September 1, 2021, video was recorded at Arbor View Apartments in Pontiac, Michigan. In the YouTube video, CLARK is standing at the bottom of a staircase next to what appears to be a closet and a door leading to the exterior of the structure. I reviewed floorplans on the Arbor View Apartments website, which showed a closet and exterior door located next to a staircase in the two bedroom floor plan in the same configuration as in the Instagram posts and YouTube video.

14. On September 9, 2021, OCSO deputies responded to 186 Liberty Street in Pontiac, Michigan, for a reported shooting. Dispatch advised that a caller observed the possible suspect vehicle traveling north on Telegraph Road. A responding deputy located a black Chrysler 200 driving northbound toward the deputy with its bright headlights activated. The vehicle passed the deputy, deactivated the headlights, and quickly accelerated. The deputy followed the vehicle which reached 70 miles per hour through residential areas. Another deputy followed the vehicle until it crashed in the area of Orchard Lake Boulevard and Palmer Street. A black male who wore a black mask, black hooded sweatshirt, and black pants exited the vehicle and ran south. The deputy gave chase but lost sight of the suspect. The front seat passenger was detained and identified as CLARK.

Another deputy observed a loaded Century Arms Draco 7.62 x 39 mm AK pistol on the ground near the driver's side of the vehicle. The weapon had one round in the chamber and twenty-three rounds in the "US Palm" thirty round magazine inserted in the firearm. Deputies established a perimeter and located a third subject and recovered another firearm. Deputies arrested CLARK and the third subject for weapons offenses.

15. Detective Bader provided me with photographs taken of the Century Arms 7.62 x 39 mm Draco AK pistol recovered from the ground near the driver's side of the vehicle (see Image 7). I observed that the firearm had blackish wear on the foregrip and was recovered with a "US Palm" thirty round magazine inserted in the firearm, both consistent with the firearm possessed by CLARK in the Instagram posts and YouTube videos.

Image 7



Image 1A



16. On November 3, 2021, I contacted ATF Interstate Nexus Expert, Special Agent Michael Jacobs, and provided a verbal description of the Century Arms 7.62 x 39 mm Draco AK pistol bearing serial number "SVP002533". Based upon the verbal description, Special Agent Jacobs advised that the firearm is a firearm as defined under 18 U.S.C. § 921 and manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate commerce.

CONCLUSION

17. In August through September of 2021, Marcus Dewayne CLARK Jr. posted numerous images of himself holding a Century Arms Draco AK pistol. CLARK also posted videos, under his rap name, holding the same firearm. On September 1, in one of the videos, CLARK revealed his face while posing with the AK pistol. On September 9, OCSD deputies chased a vehicle reportedly involved in a shooting. The vehicle crashed. Deputies recovered the same AK pistol, from CLARK's posts and videos, from the driver's side of the vehicle. CLARK was arrested on the front passenger's side of the vehicle.

18. Based upon the aforementioned facts stated herein, probable cause exists that, on or about September 1 through September 9, 2021, Marcus Dewayne CLARK Jr. knowingly possessed a Century Arms 7.62 x 39 mm Draco AK pistol,

knowing he had been convicted of a crime punishable by more than one year, which affected interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,



Brett J. Brandon
ATF Special Agent

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. Jonathan J.C. Grey
United States Magistrate Judge

Dated: November 15, 2021